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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,303	04/27/2001	Sharon Barkai	Sheer 4	1201

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CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/844,303	BARKAI ET AL.
	Examiner	Art Unit
	Dohm Chankong	2152

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*28 February 2005*</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 18-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks. Claims 10-12, 15-17

and 21-25 have been withdrawn. Claims 13 and 14 have been cancelled. Claims 1-9 and 18-20 are

presented for examination. This action is a final rejection.

Response to Arguments

2> Applicant's arguments with respect to claims 1-9 and 18-20 have been carefully

considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's

amendment to the independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3> Claims 1-6 and 18-20 are rejected under 35 U.S.C § 103(a) as being unpatentable over

Fehskens et al, U.S Patent No. 5.832.224, in view of Zager et al, U.S Patent Publication No.

2002|0022952 ["Zager"].

4>   As to claim 1, Fehskens discloses a network management unit for managing a network

that includes a plurality of network elements coupled by communication links [abstract], the

management unit comprising:

a warehouse module, the warehouse module operatively coupled to at least one

network element, the warehouse module adapted to interact with the network element to

facilitate data retrieval and network element operation control [abstract | column 3 <lines 52-

67>];

an agents module, the agents module modeling functional operation of at least one

network element that is in communication with the management unit, the agents module

operatively coupled to the warehouse module to facilitate communication with the associated

network element [column 14 <lines 10-44 and lines 64-66» | column 15 «lines 10-38» where :

Fehskens' entity model represents an network entity]; and

a presentation module, the presentation module facilitating local implementation of

task requests from external management applications, the presentation module

communicating with the agents module to transmit service requests to the agents module in

accordance with the task requests [column 8 <lines 31-34> | column 9 <lines 29-50 and lines 63-

65> where: a functional module is equivalent in functionality to the claimed presentation

module; the operator and presentation module are equivalent to external management

applications and the access module is equivalent to the claimed agents module].

Fehskens discloses transmitting commands to said warehouse module to facilitate said

service request [column 10 «lines 60-67» | column 15 «lines 49-61»] but does not disclose an

agents module that is adapted to determine how said modeled element would react given a service request and the state of operation of said element.

5>   In the same field of invention, network management, Zager discloses a similar agents system to Fehskens that models certain network elements [0092]. Zager further discloses an agents module that is adapted to determine how said modeled element would react given a service request and the state of operation of said element [0035 | 0071 | 0072 | 0175 | 0244]. It would have been obvious to one of ordinary skill in the art to have incorporated Zager's agent and model functionality into Fehskens' agents and modeling system. One would have been motivated to perform such an implementation to provide into Fehskens' system to allow users to simulate a network element and determine the consequences of requests on elements within the network [see Zager, 0077].

6>   As to claim 2, Fehskens discloses the management unit of claim 1, further comprising an application module, the application module adapted to facilitate the transmission of task requests from external management applications to the management unit [column 3 <lines 30-36> | column 8 <lines 12-30> where: the presentation module is equivalent in functionality to the claimed application mod and the presentation device is comparable to an external management app].

7>   As to claim 3, Fehskens discloses the management unit of claim 2, wherein the application module comprises:

a session manager to initiate and control a session with the presentation module

[column 7 <lines 49-52> | column 8 <lines 5-12> where: functional modules are equivalent to

the claimed presentation module];

an authentication manager to facilitate security clearance with the presentation

module [column 28 <lines 21-27> | column 29 <lines 21-24 and 54-59>]; and

a plurality of available service routines corresponding to services available from the

presentation module [column 8 <lines 5-41>].

8>   As to claim 4, Fehskens discloses the management unit of claim 2, further comprising

a shell interface for facilitating communication between the application module and external

management applications [column 3 <lines 26-42> | column 8 <lines 20-30>].

9>   As to claim 5, Fehskens discloses the management unit of claim 5, wherein the agents

module comprises:

an investigation component, the investigation component adapted to initiate and

configure device components for the agents module [column 9 <line 66> to column 10 <line

12>];

·a plurality of device components, each device component modeling at least one

network element function <column 17 <lines 16-52> where: the management module is

equivalent to the agents module and the definitions for the global and subordinate entities is

equivalent to the claimed device components];

a configuration component, the configuration component adapted to facilitate the

command execution by device component operations in response to receiving commands

from the presentation module [column 9 <line 63> to column 10 <line 12>]; and

a network element translator, the network element translator facilitating the

communication between device components and the warehouse module so as to facilitate

data translation between the device components and the warehouse module [column 3 <lines

1-3> | column 10 <lines 13-18>].

10>   As to claim 6, Fehskens discloses the management unit of claim 1, wherein the

warehouse module comprises a registry and a plurality of collector modules [column 3 <lines

52-60> | column 4 <lines 12-30> where: the management-related commands is equivalent to

collector modules and the data recorder is equivalent to a registry].

11>   As to claim 18, Fehskens discloses a method for facilitating the execution of a task,

which requires end-to-end knowledge of a network, comprising:

modeling parts of the network by individual modeling components, the modeling is of

at least the relationships between physical and logical functionalities and the operation of

functionalities of network elements [column 14 <lines 10-44 and lines 64-66» | column 15

<lines 10-39>].

transmitting commands from the modeling components to an associated network

element to control the operation of the functionality [column 2 <lines 29-41> | column 10

<lines 60-67> | column 14 <lines 30-48>]; and

transmitting a plurality of messages between said modeling components to facilitate a portion of the task in each component, whereby each component communicates with associated functionality if the functionality is part of the required task, the message directed in accordance with the relationships provided by the modeling components [column 2 <lines 2-13> | column 5 <lines 12-32> | column 7 <lines 35-55> and <line 64> to column 8 <line 3> | column 11 <line 62> to column 13 <line 15>].

Fehskens does not explicitly disclose determining how any of said network elements would react given a service request and the state of operation of said element.

12>   In the same field of invention, network management, Zager discloses a similar agents system to Fehskens that models certain network elements [0092]. Zager further discloses an agents module that is adapted to determine how said modeled element would react given a service request and the state of operation of said element [0035 | 0071 | 0072 | 0175 | 0244]. It would have been obvious to one of ordinary skill in the art to have incorporated Zager's agent and model functionality into Fehskens' agents and modeling system. One would have been motivated to perform such an implementation to provide into Fehskens' system to allow users to simulate a network element and determine the consequences of requests on elements within the network [see Zager, 0077].

13>   As to claim 19, Fehskens discloses the method of claim 18 wherein the task is an information query [column 2 <lines 29-32>].

14>   As to claim 20, Fehskens discloses the method of claim 18, wherein the task is a

provisioning operation [column 2 <lines 55-67>].

<center>Claim Rejections - 35 USC § 103</center>

15>   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a)   A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and the
> prior art are such that the subject matter as a whole would have been obvious at the time the invention was
> made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

16>   Claim 7 is rejected under 35 U.S.C 103(a) as being unpatentable over Fehskens in view

of Godwin et al, U.S Patent No. 6.058.426 ["Godwin"].

17>   As to claim 7, Fehskens discloses the management unit of claim 1, wherein the

warehouse module comprises:

        a database translator to facilitate the storage and retrieval of network data and

management unit configuration data [column 3 <lines 52-67> | column 4 <lines 26-30> where:

information manager is equivalent to the claimed database translator];

        a directory service translator to facilitate the resolution of addresses for network

elements and external systems [column 5 <lines 2-15> | column 6 <lines 10-19>];

        a registry to facilitate the registration of the agents module for network element data

[column 4 <lines 12-30>]; and

        a plurality of collectors to communicate with network elements [column 3 <lines 52-

60>].

Fehskens does not disclose a message queue to facilitate the transmission of messages

between management unit modules residing in remote management units.

18>   Godwin discloses a message queue to facilitate the transmission of messages between

management unit modules residing in remote management units. It would have been obvious

to one of ordinary skill in the art to implement queues to store the requests transmitted

between management unit modules to store requests that are pending later action [column 7

<lines 38-41>]. One would have been motivated to do this implementation because Fehskens

discloses checking requests to see if they should be acted upon immediately or at a later time

[(Fehskens) column 10 <lines 23-28> | column 12 <lines 2-10>].

19>   Claim 8 is rejected under 35 U.S.C 103(a) as being unpatentable over Fehskens and

Godwin, in further view of Stilwell et al, U.S Patent No. 5.907.696 ["Stilwell"].

20>   As to claim 8, Fehskens does disclose the use of a plurality of collectors [column 3

<lines 52-60>] but does not specifically disclose that the plurality of collectors comprises an

SNMP collector.

21>   Stilwell teaches it is well known in the art to implement an SNMP collector in a

network management unit to allow the unit to handle management of devices on a computer

network [column 1 <lines 13-28>]. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to implement one of Fehsken's plurality of collectors

as an SNMP collector to increase the utility of the management unit by allowing it to

manage devices on a computer network.

22>   Claim 9 is rejected under 35 U.S.C 103(a) as being unpatentable over Fehskens and

Godwin, in further view of Packer, U.S Patent No. 6.018.516.

23>   As to claim 9, Fehskens does disclose the use of a plurality of collectors [column 3

<lines 52-60>] but does not specifically disclose that the plurality of collectors comprises a

Telnet collector.

24>   Packer teaches it is well known in the art to implement Telnet over a network for

providing standard remote terminal connection [column 6 <lines 16-19>]. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to implement

one of Fehsken's collectors as a Telnet collector to allow the collector to act as a terminal

emulator and communicate with network elements over TCP.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942.

The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

DC

Dung C. Dinh
Primary Examiner